

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MILO, LLC	:	
<i>Plaintiff,</i>	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 16-5759
VIRGIL PROCACCINO, ET AL.	:	
	:	
<i>Defendants.</i>	:	

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VIRGIL PROCACCINO, ET AL.	:
	:
<i>Third-Party Plaintiffs,</i>	:
	:
v.	:
	:
AB CONSTRUCTION, LLC, ET AL.	:
	:
<i>Third-Party Defendants.</i>	:

**ORDER**

**AND NOW**, this 13<sup>th</sup> day of April, 2020, upon consideration of Jeld-Wen, Inc. and Tague Lumber's Motion to Dismiss the Joinder Complaint Pursuant to Rule 12(b)(6) (ECF No. 30), and all documents submitted in support thereof and in opposition thereto, it is **ORDERED** that the Motion is **DENIED**.

**IT IS SO ORDERED.**

**BY THE COURT:**

/s/ R. Barclay Surrick